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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DEREK E. GRONQUIST,

9 Plaintiff,

10 v.

11 FAYE NICHOLAS, HEATHER ANNIS,
12 CC3 PAUL PEMBERTON, STEVE
13 BLAKEMAN, KAREN BRUNSON,
14 HAROLD CLARKE, STATE RAMSEY,
15 RICHARD MORGAN, STEVE
16 TOOHEY, JOHN DOES I, II AND III
17 CLALLAM BAY CORRECTIONS
18 CENTER OFFICERS, DEPARTMENT
19 OF CORRECTIONS, and STATE OF
20 WASHINGTON,

21 Defendants.

No. C10-5374 RBL/KLS

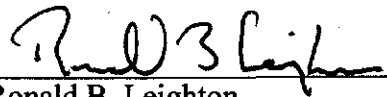
**ORDER ADOPTING REPORT AND
RECOMMENDATION**

22 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
23 L. Strombom, objections to the Report and Recommendation, [Dkt. # 85], and the remaining
24 record, does hereby find and **ORDER:**

- 25 (1) The Court adopts the Report and Recommendation.
- 26 (2) Defendants' Motion for Summary Judgment (ECF No. 18) is **GRANTED** as to
Defendants Clarke, Morgan, Ramsey, Brunson, Blakeman, Pemberton, and
Toohey. Plaintiff's federal claims against them are **DISMISSED WITH
PREJUDICE**; Plaintiff's state claims against them are **DISMISSED WITHOUT
PREJUDICE**.

- 1 (3) Defendants Motion for Summary Judgment (ECF No. 18) is **DENIED** on grounds
2 of Eleventh Amendment immunity as to Defendants Department of Corrections
3 and the State of Washington.
4 (4) Defendants' Motion for Summary Judgment (ECF No. 18) is **DENIED** as to
5 Defendants Nicholas and Annis (as to claims that they failed to timely assist or
6 aid Plaintiff during the attack).
7 (5) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
8 Defendants and to the Hon. Karen L. Strombom.

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10 DATED this 8th day of September 2011.

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12 Ronald B. Leighton
13 United States District Court Judge
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